

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Development and Conservation Control Committee      2<sup>nd</sup> November 2005  
**AUTHOR/S:** Director of Development Services

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**S/1209/05/F - Little Shelford**  
**Erection of Dwelling & Reorganisation of Restaurant Car Park at 1 Church Street, for**  
**Mr & Mrs Sharpe**

**Recommendation: Approval**  
**Date for Determination: 12<sup>th</sup> August 2005**

Members will visit the site on 31<sup>st</sup> October 2005.

### **Conservation Area**

#### **Site and Proposal**

1. The application site lies within the Little Shelford village framework and the Conservation Area. No 1 Church Street is a 2 storey building. The ground floor is used as a restaurant whilst part of the ground floor and the whole first floor form an accommodation unit. The existing restaurant car park entrance is off Hauxton Road. To the northwest of the site is an access leading to The Ropewalk and beyond that access is No 2 Hauxton Road, a 2 storey semi-detached house with a single storey lean-to at the side and a roof lights facing the boundary hedges. To the northeast of the site is No 3 Church Street, a 2 storey cottage with a part 2 storey and part single storey rear projection. The common boundary of Nos 1 and 3 Church Street has high conifers, 1.5-1.8m high fencing and brick wall.
2. There are four Listed Buildings in the locality: to the southwest is No 1 Hauxton Road, to the northeast is No 7 Church Street and to the southeast are Nos 4 and 6 Church Street.
3. The full application, registered on 17<sup>th</sup> June 2005 proposes to subdivide the plot at No 1 Church Street, to erect a 2 storey 'L-shape' dwelling with an integral garage, and to reorganise the restaurant car park with 11 parking spaces. The car park entrance would be off Church Street.
4. Amended plans have been submitted to adjust the boundary between No 3 Church Street and The Ropewalk. The siting of the proposed dwelling, the ground floor openings and the associated outside terrace have also been altered.

#### **Planning History**

5. **S/0398/92/O** – Application for a house adjoining the Prince Regent Public House was refused for the following reasons (summarised):
  - a. The occupiers of the new dwelling would suffer disturbance from users of the public house and its car park.
  - b. The subdivision of the site would result in the loss of the public house's garden which performs an important role as a buffer zone, both minimising the visual impact of the car park on this corner site within the Conservation Area and helping to limit general disturbance to nearby residents.

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- c. The proposal requires the severance of the Hauxton Road access from the public house, leaving it a single point of access onto Church Street that would have inadequate visibility to the Church Street, High Street and Hauxton Road junction.
  - d. The proposal with a smaller car park will lead to the parking of vehicles along Church Street and Hauxton Road which would interfere with visibility at the junction and cause obstruction to the free flow of traffic.
- 6. **S/1241/92/O** – Application for a dwelling adjoining the Public House was refused for the following reasons:
  - a. The erection of a house in a such close proximity to a car park associated with the public house would cause the occupiers of the new house severe disturbance, particularly in the back garden and during the evenings, by reason of noise emanating from vehicles manoeuvring in and out of the car park; such disturbance will be exacerbated by the substandard layout, in terms of bay length and aisle width, of the car park.
  - b. The sole use of the Church Street access to the public house car park will necessitate the provision of a pedestrian/ vehicle visibility splay to the north east; the position of parking spaces no. 14 and 15 are likely to result in vehicles reversing out onto Church Street; and it has not been demonstrated that delivery vehicles will be able to turn within the site. The proposal will have an adverse effect on the highway safety.
- 7. A Planning Inspector upheld this decision and dismissed the appeal, finding that:
  - a. Although the boundary wall would mitigate the problem to some extent, he considered that the use of the car park would seriously disturb the enjoyment of the rear garden by the occupiers of the proposed dwelling. The acoustic measures considered by the Council's Chief Environmental Health Officer did not lead the inspector to a different view.
  - b. Examples of dwelling houses close to public houses in the district did not justify permitting the exposure of a new dwelling to a consolidated existing noise source that would result in unacceptable living conditions to the occupiers of the new dwelling.
  - c. New residential development had been permitted adjacent to public house in the Cambridge area but these cases were not comparable because the sites were not in a village setting with on-site parking facilities.
  - d. The site neither contributed significantly to, nor detracted from the setting of the public house. Highway safety would not be compromised.

### Planning Policy

- 8. **Policy P7/6** of the **Cambridgeshire and Peterborough Structure Plan 2003** requires development to protect and enhance the quality and distinctiveness of the historic built environment.
- 9. **Policy SE5** of the **South Cambridgeshire Local Plan 2004** identifies Little Shelford as an Infill-only village. Residential developments within the village framework of these villages are restricted to not more than two dwellings comprising:
  - a. A gap in an otherwise built-up frontage to an existing road; or
  - b. The redevelopment or sub-division of an existing residential curtilage.

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“Provided the site in its present form does not form an essential part of village character, and development is sympathetic to the historic interests, character, and amenities of the locality.”

10. **Policy SE8** of the Local Plan states in part, there will be a general presumption in favour of residential development within village frameworks.
11. **Policy HG10** of the Local Plan states that the design and layout of residential development should be informed by the wider character and context of the local townscape and landscape.
12. **Policy EN5** of the Local Plan requires trees to be retained wherever possible in proposals for new development.
13. **Policy EN30** of the Local Plan sets out the requirements for development within Conservation Areas.
14. **Policy EN28** of the Local Plan aims to protect the setting, well-being and attractiveness of Listed Buildings.
15. **Policy TP1** of the Local Plan partly states that the Council will seek, to ensure that every opportunity is taken to increase accessibility to non-car modes by any appropriate measures such as restricting car parking to the maximum levels set out in appendix 7/1. The maximum car parking standard for restaurants is 1 car space per 5 sq. metres, and an average of 1.5 space per dwelling.

### Consultation

16. **Little Shelford Parish Council** recommends refusal and states that ‘inadequate parking to restaurant. Design not of a high enough standard to respond to the local character of the buildings of this Conservation Area.’
17. **Conservation Manager** has no objection.
18. **Landscape Design Officer** has no objection subject to landscaping scheme.
19. **Trees and Landscape Officer** has no objection to the revised scheme as shown on the drawing numbers 064/11.0 Rev C 064/11.1 Rev B, 065/11.2 Rev A date stamped 3<sup>rd</sup> October 2005.
20. **The Chief Environmental Health Officer** - raises no objections in principle although does express concerns about potential noise disturbance to residents during the construction period. As such, it is recommended that conditions and informatives are attached to any permission including a permission restricting hours of use of power operated machinery.
21. He comments that there have been no complaints received by the Council in respect of alleged statutory nuisances and the business operates 4 days a week. The catering capacity of 20 meals per day would suggest that there is not a significant amount of vehicle movement on the premises.

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22. He does not consider that an acoustic scheme would be necessary in this instance. He recommends the erection of a 2m high brick wall along the common boundary of the new dwelling and the restaurant car park and to maintain the surface of the restaurant car park similar as existing. His comments remain the same if the restaurant would open 7 days a week.
23. **Local Highway Authority** has no objection if this Council is satisfied with the number of car parking spaces.

### Representations

24. The occupiers of 5 Hauxton Road object:
- a. The scale and building materials of the new dwelling would detract from to the character of the Conservation Area;
  - b. Restaurant car parking arrangement insufficient;
  - c. Highway safety: to reopen the vehicle entrance off Church Street particularly for trade vehicles would be dangerous;
  - d. Concerns about the actual capacity of the restaurant, the permitted use within the same use classes order, opening hours and parking problem;
25. The occupiers of The Ropewalk object
- a. The application site is at a prominent corner of the Conservation Area and forms an attractive feature. A similar application was refused over 10 years ago and nothing has changed to justify an approval
  - b. The restaurant has 26 covers. 11 car parking spaces and manoeuvring would be inadequate. This would result in parking in Church Street
  - c. Discrepancy on the site north western boundary. A tree shown for removal I not within the site.
26. Representations submitted by the applicants' agent:
- a. A letter dated 18<sup>th</sup> July 2005 and the accompanying plans show the floor area of the restaurant.
  - b. A letter dated 22<sup>nd</sup> July 2005 clarifies that the maximum number of covers in the restaurant is 24; 2 kitchen assistants would be present during weekends and there are some occasions that no additional staff are used.

### Planning Comments – Key Issues

27. The key issues in relation to this application are:
- a. The number of car parking spaces to the restaurant at 1 Church Street and highway safety
  - b. The affect on the amenity of the occupiers of the new dwelling in relation to the use of the restaurant car park, and
  - c. Visual impact upon the street scene, and character and appearance of the Conservation area and the wider setting of nearby Listed Buildings.

### ***Car parking provision to the restaurant and highway safety***

28. The rearrangement of the car parking to the restaurant would result in 11 on site parking spaces. The floor area of the restaurant is approximately 54.5 square metres. 10 parking spaces for the restaurant and 1 park space for the existing dwelling at No 1 Church street would meet the standard for car parking provision listed in the Local Plan. It is my view that the proposal would have no adverse impact on traffic and parking conditions.

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29. The existing access off Church Street has good visibility and the Local Highway Authority does not raise objection to the use of it. I do not consider that the use of this access to the restaurant car park would materially harm highway safety.

***Impact on amenity of occupiers of the new dwelling resulting from the use of the car park at 1 Church Street***

30. Given that the use of 1 Church Street is now a restaurant rather than a public house as at the appeal decision in 1993, it is my view that the circumstances have changed since the refused application under reference S/1241/92/O. Discussions with the applicants' agent during the course of the application have led to an alteration to the siting of the proposed dwelling and revision of the ground floor openings and the outside terrace. In order to avoid affecting the Robinia on the site frontage, the footprint of the dwelling has been shifted to the northeast side by 3m. The repositioning of the proposed terrace in the garden area from the south-eastern to the north-eastern side and a reversal of the dining room door and window positions will lessen the impact on the amenity of occupiers of the new dwelling from the use of the restaurant car park. It is considered that these modifications have rendered the development acceptable with regards to the impact from the use of the car park on the amenities of the new dwelling.
31. The Chief Environmental Health Officer (EHO) does not consider that an acoustic scheme is necessary based on the fact that no complaints have been received in relation to the existing restaurant. It is his view that the proposal is acceptable subject to maintaining the existing hard surfaced materials of the car park without introducing a gravel surface and the erection on the common boundary of a 2 metres high brick wall. Based on the fact that EHO's comments assume the use of the restaurant for 7 days in a week, I consider that the proposal is acceptable in terms of the living conditions of the occupiers of the new dwelling subject to the imposition of conditions on the boundary wall and the hard surface for the car park.

***Impact on street scene, the character and appearance of the Conservation area and the wider setting of nearby Listed Buildings.***

32. The existing properties in this part of the village are mixed with cottages, modern two storey dwellings and listed buildings. The new dwelling will be in a 'L-shape' set back from Hauxton Road with a gable facing the driveway leading to The Ropewalk. I consider the scale of the new dwelling is acceptable. The height of the proposed new dwelling varies from 7.7 m to 8.1m. I consider that the proposed development is in keeping with the local character and will not have an adverse impact on the street scene. I am mindful of the Conservation Manager's comments and I do not therefore consider that the Conservation Area or setting of the Listed Buildings in the locality will be adversely affected.

### **Recommendation**

33. Approval as amended by letters dated 18<sup>th</sup> July 2005, 22<sup>nd</sup> July 2005 and 26<sup>th</sup> September 2005 and drawing numbers 064/1.10 Rev C 064/1.11 Rev B, 065/1.11 Rev A date stamped 3<sup>rd</sup> October 2005;
1. Standard Condition A – Time limited permission (Reason A) - 5 years;
  2. Sc 5a – Details of materials of external walls and roofs (Rc5a);
  3. Sc 51 – Landscaping (Rc 51);
  4. Sc 52 – Implementation of landscaping (Rc 52);

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5. Sc 60 – Details of boundary treatment (Rc 60);
6. No power operated machinery shall be operated on the premises during the period of construction, before 0800 hours on weekdays and 0800 hours on Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions. (Reason – To minimise noise disturbance to adjoining residents);
7. Sc 5 – boundary walls and hard surfaces for the restaurant car park (Reason – To minimise noise disturbance to the occupiers of the new dwelling);
8. No further windows, doors or openings of any kind shall be inserted in the south-east/side elevation of the dwelling, hereby permitted, unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf. (Reason – To minimise noise disturbance to the occupiers of the new dwelling);
9. No windows, doors or openings of any kind shall be inserted in the first floor of the northwest/ side elevation of the dwelling, hereby permitted, unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf. (Reason – To safeguard the privacy of occupiers of No 2 Hauxton Road);
10. The first floor bedroom window shown on the drawing numbers 064/1.11 Rev B and 064/1.12 Rev A in the southeast/side elevation of the dwelling hereby permitted shall be fixed and non-opening. (Reason – To minimise noise disturbance to the occupiers of the new dwelling.)
11. The permanent spaces to be reserved on the site of the restaurant at No 1 Church Street for turning and parking as shown on drawing number 064/1.10 Rev C shall be provided before commencement of the development of the dwelling, hereby permitted, and thereafter maintained. (Reason – to minimise interference with the free flow and safety of traffic on the adjoining public highways).

### Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
  - a. **Cambridgeshire and Peterborough Structure Plan 2003:**  
**Policy P7/6** (Historic Built Environment)
  - b. **South Cambridgeshire Local Plan 2004:**  
**Policy SE5** (Development in Infill Villages);  
**Policy SE8** (Residential Development within the Village Frameworks);  
**Policy HG10** (Housing Design);  
**Policy EN5** (The Landscaping of New Development)  
**Policy EN30** (Development in Conservation Areas)  
**Policy EN28** (Development within the Curtilage or Setting of a Listed Building)  
**Policy TP1** (Planning more Sustainable Travel)
2. The development is not considered to be significantly detrimental to the following material planning considerations, which have been raised during the consultation exercise: car parking provision, highway safety, impact upon the character of the Conservation Area, and residential amenity interests.

## General

1. Should driven pile foundations be proposed, before development commences, a statement of the method for construction of these foundations shall be submitted to and approved in writing by the District Council's Environmental Health Officer so that noise and vibrations can be controlled.
2. The applicants' attention is drawn to a comment from this Authority's Chief Environmental Health Officer that the boundary between the new dwelling and the car park should comprise a 2m high brick wall, details of such should be submitted to comply with condition No. 7.

**Background Papers:** the following background papers were used in the preparation of this report:

Cambridgeshire and Peterborough Structure Plan 2003

South Cambridgeshire Local Plan 2004

File references: S/0398/92/O, S/1241/92/O and S/1209/05/F

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